

Virginia Soil and Water Conservation Board
Public Hearing on Proposed Impounding Structure Regulations
(4 VAC 50-20-10 et seq.)

June 12, 2025, Goochland, Virginia

Meeting Officer: Darryl M. Glover
Deputy Director, Dam Safety, Floodplain Management, and Soil and
Water Conservation
Department of Conservation and Recreation

Opening:

Mr. Glover: Good afternoon, I would like to call this public hearing on the Virginia Soil and Water Conservation Board's proposed Impounding Structure Regulations to order. I am Darryl Glover, the Deputy Director, Dam Safety, Floodplain Management, and Soil and Water Conservation for the Department of Conservation and Recreation. I will be serving as the meeting officer today. I welcome you to this hearing.

I would like to thank the Monacan Soil and Water Conservation District for allowing us to use this facility.

With me today, I have Christine Watlington Jones, Policy and District Services Manager, and Paul Saunders, DCR's Senior Policy Analyst. We will be audio taping our meeting and developing a set of minutes of the comments received today.

I hope that all of you have registered on our attendance list. If not, please do so. Those wishing to speak should note that on the attendance list. Please also make sure that your contact information, including your name and address, is legible and complete as we will be utilizing it to keep you informed on the status of the regulatory action.

Purpose of the public hearing:

The purpose of this hearing is to receive input from interested citizens on the Board's proposed Virginia Impounding Structure Regulations during the 60-day public comment period which opened on May 5th [Vol 41 Issue 19 of the Virginia Register] and closes on July 4th. These regulations not only impact dam owners but also impact the growing number of Virginians living downstream from dams.

The Department used the participatory approach to develop the proposal. Following the publication of the Notice of Intended Regulatory Action regarding these regulations in June 2024 and the public comment period on the NOIRA, the Department formed a Regulatory Advisory Panel (RAP) to assist in the development of the proposed regulations. The RAP included representatives from localities and state agencies owning dams, representatives from privately owned dams, Soil and Water Conservation Districts, and professional engineers. The

RAP met five times between the months of July and November 2024. Following the completion of the RAP's work, the Virginia Soil and Water Conservation Board proposed these regulations at its meeting held on December 11, 2024. Copies of the proposed regulations are located on the table near the attendance list.

This concludes my introductory remarks. I would like to introduce Christine Watlington Jones, Policy and District Services Manager, who will explain in more detail what the proposed regulations do.

Ms. Watlington Jones: Thank you Mr. Glover.

The Board's regulatory proposal has been developed to support and advance the goals of the Virginia Dam Safety Act, contained in § 10.1-604 et seq. of the Code of Virginia, which gives the Board the authority to adopt regulations to protect the health, safety, and welfare of citizens through ensuring that all regulated dams are properly and safely constructed, maintained, and operated. These proposed amendments will lead to significant cost-savings for the owners of low hazard dams, while maintaining the Board's commitment to public safety.

The proposed regulations are reflective of the conversations of the RAP and do reflect the consensus of the members. There were 2 concerns that the RAP was not able to reach consensus on: clarifying or amending the methodology related to conducting incremental damage analyses and how roadways over and downstream of a dam are considered in determining a dam's hazard classification. There are no amendments that address these concerns. The Department intends to address these in the future after further consideration.

Key provisions of this proposed regulatory action include the following:

1. The amendments fully incorporate the use of a general permit for low hazard dams in the regulations, clarify the existing requirements for the general permit to ensure the requirements reflect the statutory criteria, and refine the processes related to administering the general permit.
2. Proposed amendments more closely align the regulatory requirements with the statutory requirements established in §10.1-605.3. For instance, the development of a dam break inundation zone map is only required if the dam owner wishes to qualify for the provisions of §10.1-606.3. However, the regulations currently require all dam owners to develop a dam break inundation zone map. Amending the regulations to more accurately reflect the statute allows the owners of low hazard dams to determine if qualifying for the provisions in §10.1-606.3 are worth the cost of developing a map.
3. In order to clarify and simplify the general permit requirements for dam owners, a new part (Part VII) has been added to the regulations. For the majority of this part, existing language has been utilized. New provisions related to the issuance of a conditional general permit, and a related fee, in situations where there are deficiencies found or where the dam is out of compliance with the Dam Safety Act have been included.
4. Additional amendments simplify the emergency preparedness plan criteria and reflect potential administrative efficiency savings for dam owners. These provisions are also

more closely aligned with the statutory requirements established for simplified emergency preparedness plans.

This concludes the summary of key provisions contained in the proposed regulations.

Mr. Glover: Thank you, Ms. Watlington Jones.

Before we begin receiving testimony on the proposed regulations, I would like to stress that this is an information-gathering meeting. Everyone wishing to speak will be heard (however we ask you to limit your comments to 3-5 minutes and to address information that others have not already covered). If necessary, we may ask speakers questions concerning their testimony or to request additional information concerning a subject believed to be important to the process in order to help clarify and properly capture your comments. Staff will be available after this hearing to take any individual questions you may have.

THERE WAS NO PUBLIC COMMENT.

Closing:

Mr. Glover: A handout is provided on the table outlining the public comment submittal procedures I am about to cover.

Persons desiring to submit written comments pertaining to this notice and this meeting may do so through the Virginia Regulatory Town Hall, mail, or email. Comments should be sent to Christine Watlington Jones, Virginia Department of Conservation and Recreation, 600 East Main Street, 24th floor, Richmond, Virginia 23219 or christine.watlington@dcr.virginia.gov. All written comments must include the name and address of the commenter. To be considered, comments must be received by 11:59 PM on July 4, 2025.

With that announcement, I would like to thank each of you for attending this meeting and providing us with your views and comments. This meeting is now officially closed. Staff will be available afterwards to take any individual questions you may have.